

BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES OF THE  
STATE OF MONTANA

In the matter of the adoption of New     ) NOTICE OF ADOPTION  
Rules I through IX pertaining to     )  
mental health center services for     )  
youth with serious emotional     )  
disturbance (SED)     )

TO: All Concerned Persons

1. On December 24, 2008, the Department of Public Health and Human Services published MAR Notice No. 37-463 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 2603 of the 2008 Montana Administrative Register, Issue Number 24.

2. The department has adopted New Rule VI (37.87.2202), Rule VII (37.87.2205), Rule VIII (37.87.2225), and Rule IX (37.87.2233) as proposed.

3. The department has adopted the following rules as proposed with the following changes from the original proposal. Matter to be added is underlined. Matter to be deleted is interlined.

RULE I (37.87.702) MENTAL HEALTH CENTER SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE (SED), DEFINITIONS (1) through (11) remain as proposed

AUTH: 53-2-201, 53-6-101, 53-6-113, MCA  
IMP: 53-2-201, 53-6-101, 53-6-111, MCA

RULE II (37.87.723) MENTAL HEALTH CENTER SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE (SED), PROVIDER REQUIREMENTS (1) through (3) remain as proposed.

AUTH: 53-2-201, 53-6-101, 53-6-113, MCA  
IMP: 53-2-201, 53-6-101, 53-6-111, MCA

RULE III (37.87.703) MENTAL HEALTH CENTER SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE (SED), COVERED SERVICES (1) through (1)(g)(iii) remain as proposed.

AUTH: 53-2-201, 53-6-101, 53-6-113, MCA  
IMP: 53-2-201, 53-6-101, 53-6-111, MCA

RULE IV (37.87.705) MENTAL HEALTH CENTER SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE (SED), NONCOVERED SERVICES

(1) through (1)(c) remain as proposed.

AUTH: 53-2-201, 53-6-101, 53-6-113, MCA

IMP: 53-2-201, 53-6-101, 53-6-111, MCA

RULE V (37.87.733) MENTAL HEALTH CENTER SERVICES FOR YOUTH  
WITH SERIOUS EMOTIONAL DISTURBANCE (SED), REIMBURSEMENT

(1) through (2) remain as proposed.

AUTH: 53-2-201, 53-6-101, 53-6-113, MCA

IMP: 53-2-201, 53-6-101, 53-6-111, MCA

4. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT #1: May a licensed therapist provide and bill for a community-based psychiatric rehabilitation and support (CBPRS) service? Comprehensive school and community treatment (CSCT) teams have only used a behavioral specialist to provide this service. If the behavioral specialist only needs to meet with the youth for 15 minutes, would it be permissible to use a licensed therapist instead and bill for CBPRS?

RESPONSE #1: The department decided to retain the provision in proposed Rule III (37.87.703) excluding coverage for therapeutic interventions by licensed mental health professionals, regardless of the location of the service. CSCT is a service that is bundled for reimbursement purposes. Therefore, it is not appropriate for a licensed therapist to bill for CBPRS or other services included in the CSCT service.

/s/ John Koch

Rule Reviewer

/s/ Anna Whiting Sorrell

Anna Whiting Sorrell, Director  
Public Health and Human Services

Certified to the Secretary of State February 17, 2009.